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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,192	02/19/2004	Horst Bohm	60130-2031;03MRA0129/165	4102
26096	7590	04/14/2005	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			PATEL, KIRAN B	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,192

Applicant(s)

BOHM ET AL.

Examiner

Kiran B. Patel

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

Non-Final Rejection

### **Election/Restriction**

1. Applicant's election without traverse of Group I, Species A, Fig 1-9, and claims 1-22 is acknowledged.

Claims 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim.

Further, claims 21-22 are withdrawn by the Examiner from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species

### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 8-9, as best understood, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims, elected for prosecution, are confusing and are not clear because claimed limitations, (claim 5, a first portion of the sunshade is made of elastic material and a second portion of sunshade is made of a non-elastic material; claim 8, at least one crossbar is centered in a middle area between the first and second guide rails;), are not shown in the elected figures and/or lacks support in the specification and therefore fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These limitations must be shown or the feature(s) canceled from the claim(s). Applicant is requested to go through the application and ensure that the claimed matter has been described in the specification and shown in the drawing in such a way as to convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Correction is required.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-8, 10, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by LaFrance (6,227,601).

Regarding claims 1-4, 6-8, 10, 19-20, LaFrance (6,227,601) discloses the invention as claimed to include first 133 and second 142 guide rails; a front crossbar 64 and a rear crossbar 64 that extend between the first and second guide rails and are guided in the first and second guide rails; and a flexible sunshade 12 that is fastened to the front and rear crossbars, wherein the sunshade is guided between the first and second guide rails; wherein the first and second guide rails extend in an inclined relationship Fig 1 with respect to each other; wherein the sunshade is elastic Fig 1 at substantially right angles to a shifting direction dictated by the first and second guide rails; wherein the sunshade is entirely made of an elastic material; wherein at least one of the first

crossbar and the rear crossbar is a telescopic member; wherein at least one of the front crossbar and the rear crossbar has first 38 and second 63 laterally protruding guide arms that are received in said at least one crossbar for sliding movement therein, wherein the first guide arm is received in the first guide rail and the second guide arm is received in the second guide rail; the first and second guide arms are mechanically coupled Fig 9 to each other and to at least one of the front crossbar and the rear crossbar; first 36 and second 61 slides fitted in at least one of the front crossbar and rear crossbar and received in the first and second guide rails, respectively, for sliding movement therein; the sunshade is adapted to at least partially cover a windshield of a vehicle; the first and second guide rails are part of a roof opener system.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaFrance (6,227,601) in view of De Gaillard (6,634,703).

Regarding claims 11, LaFrance (6,227,601) discloses the invention as claimed.

However, LaFrance (6,227,601) does not disclose a handle.

De Gaillard (6,634,703) discloses a handle 19.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by LaFrance (6,227,601), to include a handle, as disclosed by De Gaillard (6,634,703), to allow manual adjustment of the sunshade.

6. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaFrance (6,227,601) and in view of German (DE19619474).

Regarding claim 13-18, LaFrance (6,227,601) discloses the invention as claimed.

However, LaFrance (6,227,601) does not disclose push-pull spacer cables, a coupling gear, and a drive motor.

German (DE19619474) discloses push-pull spacer cables 11, a coupling gear, and a drive motor.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by LaFrance (6,227,601), to include push-pull spacer cables, a coupling gear, and a drive motor, as disclosed by German (DE19619474) to facilitate the movement of front and rear crossbars can only be shifted jointly and in parallel.

### **Allowable Subject Matter**

7. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

8. The prior art made of record in attached Notice of Reference Cited (PTO-892) and not relied upon is considered pertinent to applicant's disclosure. This art of record shows various features similar to the applicant's invention.

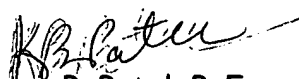
9. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-



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272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

  
Kiran B. Patel, P. E.  
Primary Examiner  
Art Unit 3612  
April 11, 2005